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### REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 26, 2006. In the Office Action, the Examiner notes that claims 1-23 are pending and rejected. By this response, Applicants amend independent claims 1, 8, 22 and 23 to further clarify aspects of the Applicants' invention.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

### REJECTIONS

#### 35 U.S.C. §103 Rejection of Claims 22 and 23

The Examiner has rejected claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,477,262 to Banker et al. (hereinafter "Banker") in view of U.S. Patent 5,404,393 to Remillard (hereinafter "Remillard") and Re.32,776 to Saylor (hereinafter "Saylor"). Applicant respectfully traverses the rejection.

Claim 22 recites:

22. An interactive electronic program guide for controlling display of content on a television associated with a set top terminal, the guide comprising:  
a plurality of interactive menus, each corresponding to a level of interactivity and having one or more interactive menu items for selection;  
a main menu having one or more main menu items for selection, which main menu items correspond to the interactive menus;  
a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein

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the first graphic is adjusted to cover undesired portions of the digitally compressed video; and

a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal,

wherein the cursor highlight overlay is displayed over the at least one of the menus which is displayed over the mask, and

wherein the menus are navigated using a user input, and wherein the main menu items and the interactive menu items are responsive to selection signals received from the user input. (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Banker, Remillard and Saylor references alone or in combination fail to teach or suggest Applicant's invention as a whole.

Specifically, Banker fails to teach or suggest at least "a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video" as recited in independent claim 22.

Banker discloses an "[a]pparatus for providing a user friendly interface to a subscription television terminal comprises a key pad arranged into a plurality of key groupings and an on-screen display controller for generating a plurality of screens for display on an associated television receiver" (abstract). Specifically, Banker discloses (emphasis added below):

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"The on-screen display is selectively overlaid on the video signal, so a viewer can continue to watch a program, or provide in place of the program video with a suitable plain-colored background."  
(column 11, lines 24-28)

Thus, Banker discloses an on-screen display that is overlaid on the video signal or is provided in place of the program video. Therefore, Banker does not teach or suggest a mask to cover undesired video clips of a digitally compressed video. Because Banker is silent with respect to the mask as claimed, Banker also does not teach or suggest that the cursor highlight overlay is displayed over a menu which is displayed over the mask.

Remillard fails to bridge the substantial gap between Banker and Applicants' invention. In particular, Remillard discloses an electronic device that provides for windowed display of the menu (overlying the interaction menus on a portion of a convention television broadcast, for example) and construction of a viewing profile, among other things." (column. 5, lines 56-61). Thus, Remillard discloses overlaying menus. Remillard is silent with respect to a mask as claimed. Nowhere in Remillard is there any teaching or suggestion of at least Applicants' claimed the cursor highlight overlay is displayed over a menu which is displayed over the mask that covers the undesired portions of a video.

Furthermore Banker and Remillard fail to teach or to suggest wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video technique. The Examiner implicitly concedes this in the Office Action by alleging that Saylor bridges the substantial gap left by Banker and Remillard. (See Office Action, p. 4, ll. 3-8)

Saylor fails to teach or suggest wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video technique because Saylor only teaches a piggy back row grabbing system. Saylor specifically teaches transmitting a plurality of television video scan lines over a common channel for enabling the provision of conventional television as well as real time updateable row grabbed information. (See Saylor, col. 3, ll. 9-14) The Applicants' respectfully submit simultaneously sending a plurality of digitally compressed video clips is not the same as sending a plurality of television scan

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lines. For example, the bandwidth requirements and equipment required to process digitally compressed video of the Applicants' invention are completely different from the bandwidth requirements and equipment required to processing television scan lines taught by Saylor.

As such, claim 22 is patentable over Banker in view of Remillard and Saylor under 35 U.S.C. §103(a). Claim 23 contains substantially similar relevant limitations as discussed above in regards to claim 22. Accordingly, Applicants submit that claim 23 also is patentable over Banker in view of Remillard and Saylor under 35 U.S.C. §103(a). Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 8-21**

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Banker in view of Remillard and U.S. Patent 5,539,871 to Gibson (hereinafter "Gibson"). The Examiner appears to also reject claims 8-21 in view of Saylor. (See Office Action, p. 10, ll. 8-13) Applicants assume Examiner rejected claims 8-21 over Banker in view of Remillard, Gibson and Saylor and respectfully traverses the rejection as such.

For at least the reasons discussed above Banker, Remillard and Saylor alone or in combination fail to teach or suggest Applicants' invention as a whole. Gibson fails to bridge the substantial gap between Banker, Remillard and Saylor and Applicants' invention.

Specifically, Gibson also fails to teach or suggest at least "a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video" as recited in claim 8.

Gibson discloses a "method and system in a data processing system for selectively associating stored data with an animated element within a multimedia

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presentation in a data processing system" (abstract). However, Gibson does not teach or suggest at least a mask to cover undesired video clips of a video. Thus, the Gibson reference also does not teach or suggest that the cursor highlight overlay is displayed over a menu which is displayed over the mask as claimed. In addition, Gibson also fails to teach or to suggest wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques.

As such, Applicants' independent claim 8 is patentable under 35 U.S.C. §103(a) over Banker in view of Remillard, Saylor and Gibson. Furthermore, claims 9-21 depend, directly or indirectly from independent claim 8, while adding additional elements. Therefore, 9-21 are also non-obvious and patentable over Banker in view of Remillard, Saylor and Gibson under §103 for at least the same reasons that claim 8 is patentable over Banker in view of Remillard, Saylor and Gibson under §103. Therefore, Applicants respectfully request that the Examiner's rejection of claims 13-15, 17-19 and 21 U.S.C. §103(a) be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 1 and 7**

The Examiner has rejected claims 1 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,410,326 to Goldstein in view of Banker, Remillard. The Examiner appears to also reject claims 1 and 7 in view of Saylor. (See Office Action, p. 17, l. 20 -p. 18, l. 3) Applicants assume Examiner rejected claims 1 and 7 over Goldstein in view of Banker, Remillard and Saylor and respectfully traverses the rejection as such.

Applicants' claim 1 recites:

1. An interactive electronic program guide for display on a television for use with a television delivery system comprising a set top terminal, the guide comprising:
  - a home menu;
  - a plurality of major menus displayed as menu options on the home menu;
  - a plurality of sub-menus displayed as menu options on the plurality of major menus;
  - a plurality of during programming menus enacted after selection of

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a program;

a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video; and

a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal,

wherein the cursor highlight overlay is displayed over the at least one of the menus which is displayed over the mask. (emphasis added).

For at least the reasons discussed above, Banker, Remillard and Saylor alone or in combination fail to teach or suggest Applicants' invention as a whole. Goldstein fails to bridge the substantial gap between Banker, Remillard and Saylor and Applicants' invention as claimed in claim 1.

Specifically, Goldstein also fails to teach or suggest at least "a mask to cover the video clips of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques" and "wherein the cursor highlight overlay is displayed over the at least one of the menus, which is displayed over the mask" as recited in the claim.

The Goldstein reference discloses a "universal remote control device which is programmed to operate a variety of consumer products" (Abstract). However, Goldstein does not teach or suggest a mask to mask a video. Therefore, the Goldstein reference also does not teach or suggest that the cursor highlight overlay is displayed over a menu which is displayed over the mask. Furthermore, Goldstein fails to teach or to suggest wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques.

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As such, Applicants' independent claim 1 is patentable under 35 U.S.C. §103(a) over Goldstein in view of Banker, Remillard and Saylor. Furthermore, claim 7 depends directly from independent claim 1, while adding additional elements. Therefore, claim 7 is also patentable over Goldstein in view of Banker, Remillard and Saylor under §103 for at least the same reasons that claim 1 is patentable over Goldstein in view of Banker, Remillard and Saylor under §103. Therefore, Applicants respectfully request that the Examiner's rejection of claims 1 and 7 under U.S.C. §103(a) be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 2-6**

The Examiner has rejected claims 2-6 under 35 U.S.C. §103(a) as being unpatentable over Goldstein, Banker, Remillard and Saylor, as applied to claim 1 above, and further in view of U.S. Patent 5,047,867 to Strubbe et al. (hereinafter "Strubbe"). Applicants respectfully traverse the rejection.

Each of the grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 for the corresponding independent claims. Since the rejection of the corresponding independent claims under 35 U.S.C. §103 has been overcome, as described hereinabove, and there is no argument put forth by the Office that any other additional references supply that which is missing from Goldstein, Banker, Remillard and Saylor to render the independent claims unpatentable, these grounds of rejection cannot be maintained. Therefore, Applicants respectfully request that the Examiner's rejection of claims 2-6 under U.S.C. §103(a) be withdrawn.

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**CONCLUSION**

Thus, Applicants submit that claims 1-23 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/22/06

  
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